

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201904998	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/09/2019 2:44 AM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 12/9/2020	EO SOL 7/26/2021	
Date/Time CV Reported Mon, 06/10/2019 3:07 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/10/2019 3:07 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Stalikas	18382	959268	047 PCT
2. DT2 Walter Szachacz	05005	909475	ESS 03
3. SGT Declan Ludington	04794	953018	047 PCT
4. POF Danielle Malka	15132	966687	047 PCT
5. POM Christophe Maddaloni	10016	950795	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Emilia Abreu	15945	938882	047 PCT
2. POM Jong Kim	8471	955008	047 PCT
3. POM Vinicio Garcia	26742	954850	047 PCT
4. POM Jayson Martinez	06502	958880	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Danielle Malka	Force: Police Officer Danielle Malka pointed her gun at § 87(2)(b)	
B.POF Danielle Malka	Force: Police Officer Danielle Malka pointed her gun at § 87(2)(b)	
C.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni drew his gun.	
D.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni drew his gun.	
E.POF Danielle Malka	Abuse: Danielle Malka stopped § 87(2)(b)	
F.POF Danielle Malka	Abuse: Danielle Malka stopped § 87(2)(b)	
G.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni stopped § 87(2)(b)	
H.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni stopped § 87(2)(b)	
I.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni frisked § 87(2)(b)	
J.POM Christophe Maddaloni	Abuse: Police Officer Christopher Maddaloni frisked § 87(2)(b)	
K.POF Danielle Malka	Abuse: Police Officer Danielle Malka frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
L.POF Danielle Malka	Abuse: Police Officer Danielle Malka frisked § 87(2)(b) [REDACTED]	[REDACTED]
M.POM James Stalikas	Abuse: Police Officer James Stalikas entered § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
N.SGT Declan Ludington	Abuse: Sergeant Declan Ludington entered § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
O.POM James Stalikas	Abuse: Police Officer James Stalikas searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
P.SGT Declan Ludington	Abuse: Sergeant Declan Ludington searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
Q.POM James Stalikas	Discourtesy: Police Officer James Stalikas spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
R.DT2 Walter Szachacz	Abuse: Detective Walter Szachacz refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
S.DT2 Walter Szachacz	Abuse: Detective Walter Szachacz refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
T.DT2 Walter Szachacz	Abuse: Detective Walter Szachacz refused to provide his name to § 87(2)(b) [REDACTED]	[REDACTED]
U.DT2 Walter Szachacz	Abuse: Detective Walter Szachacz refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
§ 87(4-b) § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]

## Case Summary

On June 10, 2019, § 87(2)(b) filed this complaint online on behalf of herself, her nephew § 87(2)(b) her son § 87(2)(b) and § 87(2)(b)'s friend § 87(2)(b). On June 12, 2019, § 87(2)(b) filed a duplicate complaint with IAB via email (original log #2019-23050).

On June 9, 2019, at 2:39 a.m., a technology used by NYPD that automatically detects the sounds of possible gunshots and locates them called ShotSpotter detected a possible gunshot in front of 953 East 217<sup>th</sup> Street in the Bronx. Police Officer Christopher Maddaloni, Police Officer Danielle Malka, Police Officer James Stalikas, and Sergeant Declan Ludington of the 47<sup>th</sup> Precinct responded to 953B East 217<sup>th</sup> Street in the Bronx. PO Malka pointed her gun at § 87(2)(b) and § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). PO Maddaloni also drew his gun (**Allegations C and D: Abuse of Authority, unsubstantiated**). PO Malka stopped § 87(2)(b) and § 87(2)(b) (**Allegations E and F: Abuse of Authority, § 87(2)(g)**). PO Maddaloni stopped and frisked § 87(2)(b) and § 87(2)(b) (**Allegations G-J: Abuse of Authority, § 87(2)(g)**). PO Malka frisked § 87(2)(b) and § 87(2)(b) (**Allegations K and L: Abuse of Authority, § 87(2)(g)**). Sgt. Ludington and PO Stalikas entered and searched § 87(2)(b) § 87(2)(b) (**Allegations M-P: Abuse of Authority, § 87(2)(g)**). PO Stalikas allegedly told § 87(2)(b) “Get the fuck back,” and said that he did not “give a shit” about § 87(2)(b) filming the incident or waiting for § 87(2)(b) (**Allegation Q: Discourtesy, § 87(2)(g)**). Detective Walter Szachacz of the Emergency Service Unit, who responded later at the request of the officers, allegedly refused to provide his name and shield number to § 87(2)(b) and § 87(2)(b) (**Allegation R-U: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(a) 160.50.

This case contains cell phone footage from § 87(2)(b) and body-worn camera (BWC) footage from Sgt. Ludington, PO Stalikas, Police Officer Vinicio Garcia, and Police Officer Jong Kim, also of the 47<sup>th</sup> Precinct (**01-09 Board Review**). § 87(2)(b) and § 87(2)(b)'s arrests were sealed, and the investigation could not obtain a waiver from § 87(2)(b). Therefore, the NYPD had discretion over which videos were provided to the CCRB and only provided videos it believes give the best overview of the incident.

Sgt. Ludington and PO Stalikas have since been transferred to the Warrant Section. PO Malka and Det. Szachacz retired from the NYPD on March 27 and May 31, 2020, respectively.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Danielle Malka pointed her gun at**

§ 87(2)(b)

**Allegation (B) Abuse of Authority: Police Officer Danielle Malka pointed her gun at**

§ 87(2)(b)

**Allegation (C) Abuse of Authority: Police Officer Christopher Maddaloni drew his gun.**

**Allegation (D) Abuse of Authority: Police Officer Christopher Maddaloni drew his gun.**

**Allegation (E) Abuse of Authority: Police Officer Danielle Malka stopped § 87(2)(b)**

**Allegation (F) Abuse of Authority: Police Officer Danielle Malka stopped § 87(2)(b)**

**Allegation (G) Abuse of Authority: Police Officer Christopher Maddaloni stopped § 87(2)(b)**

**Allegation (H) Abuse of Authority: Police Officer Christopher Maddaloni stopped § 87(2)(b)**

**Allegation (I) Abuse of Authority: Police Officer Christopher Maddaloni frisked § 87(2)(b)**

**Allegation (J) Abuse of Authority: Police Officer Christopher Maddaloni frisked § 87(2)(b)**

**Allegation (K) Abuse of Authority: Police Officer Danielle Malka frisked § 87(2)(b)**

**Allegation (L) Abuse of Authority: Police Officer Danielle Malka frisked § 87(2)(b)**

The following facts are undisputed: On June 9, 2019, at approximately 2:40 a.m., officers received a ShotSpotter notification for one shot fired at street level in front of § 87(2)(b) § in the Bronx. There were no other 911 calls associated. § 87(2)(b) owns § 87(2)(b) § and § 87(2)(b) is the one who resides there. § 87(2)(b) and § 87(2)(b) do not live at the location. § 87(2)(b) and § 87(2)(b) live in Yorktown Heights, New York. During the incident, § 87(2)(b) was accompanying § 87(2)(b) who is his friend.

The address § 87(2)(b) § does not exist. Instead, § 87(2)(b) and § 87(2)(b) stand adjacent to each other between § 87(2)(b) and § 87(2)(b) § (54 Board Review).

The investigation only obtained a sworn statement from § 87(2)(b) who lives at the location and did not witness Allegations A-L. § 87(2)(b) and § 87(2)(b) only provided phone statements and were uncooperative with the investigation (47 Board Review). § 87(2)(g)

§ 87(2)(b) §  
§ 87(2)(b) §  
§ 87(2)(b) §  
§ 87(2)(b) §  
§ 87(2)(b) §

In an unsworn statement, § 87(2)(b) § stated that on June 9, 2019, at approximately 2:40 a.m., he was returning to his home at § 87(2)(b) § in the Bronx after buying food (11 Board Review). § 87(2)(b) § stopped his car in the driveway and went into the building in order to change clothes and get change for large bills. § 87(2)(b) § waited for § 87(2)(b) § in the front hallway of the building. The two left the building and saw 10 police cars on the street. From inside of a police vehicle, PO Stalikis said, “Don’t move.” He then exited the vehicle and said, “Come here.” § 87(2)(b) § went to the driveway and stood behind his personal vehicle.

In an unsworn statement, § 87(2)(b) stated that at the time of the incident, he was waiting in the hallway of § 87(2)(b) § 87(2)(b) while § 87(2)(b) left food for his mother inside of the house (**12 Board Review**). § 87(2)(b) left the building and stood by § 87(2)(b)'s car. As § 87(2)(b) exited the building, officers in a marked vehicle arrived. PO Stalikas said that he heard that shots were fired. Officers whom § 87(2)(b) did not describe told § 87(2)(b) "Don't move," and took him and § 87(2)(b) to the rear of their police vehicle.

In a sworn statement, § 87(2)(b) stated that at the time of the incident, he was at home at § 87(2)(b) § 87(2)(b) (**10 Board Review**). He did not hear gunshots or see any police activity on his block. § 87(2)(b) did not have any interactions with § 87(2)(b) or § 87(2)(b) during this time. In an unsworn statement, § 87(2)(b) stated was not at the location at the time and did not witness these allegations (**24 Board Review**).

§ 87(2)(b) and § 87(2)(b) did not allege that officers drew or pointed their guns, nor did they allege that § 87(2)(b) and § 87(2)(b) were frisked.

PO Maddaloni and PO Malka both stated that they were riding in a marked police vehicle when they received a ShotSpotter notification over the radio about a shot fired at the location (**13, 14 Board Review**). ShotSpotter is a technology employed by the NYPD to automatically detect the location of sounds that have frequencies that appear similar to those of gunshots. Both officers stated that they were close to the location when they were notified, and that that they were the first officers on scene.

PO Malka stated that she and PO Maddaloni exited their vehicle upon arriving. PO Malka saw one black male stepping out of the building and another black male standing in front of the building. Both were out of breath and their facial expressions appeared frightened. PO Malka had a general suspicion that either § 87(2)(b) or § 87(2)(b) had a weapon but did not know which of them did. Neither had anything in their hands. PO Malka did not remember the lighting conditions, the clothing they were wearing (other than one's "baggy shirt"), or whether she saw any bulges on their persons. PO Malka feared for her safety because § 87(2)(b) and § 87(2)(b) were out of breath and because they were at the location of shots reportedly fired. PO Malka stated that she and PO Maddaloni walked toward the men and pointed their guns at them. PO Malka did so out of fear for her safety. PO Malka and PO Maddaloni patted down § 87(2)(b) and § 87(2)(b). PO Malka frisked one of them but did not remember who. She frisked the person near their waistband and for the same reasons that she pointed her gun. PO Malka initially stated that PO Maddaloni frisked one man but stated later that she did not actually see him do this. PO Malka did not testify that she saw § 87(2)(b) grab an object off a car, then run inside and quickly exit the location.

PO Maddaloni stated that upon arriving, he saw § 87(2)(b) and § 87(2)(b) standing in the driveway of the location next to a parked car. The area was well-lit. One of the men (known to the investigation as § 87(2)(b)) looked fearfully at the officers, grabbed an object that PO Maddaloni could not describe off the parked car, held it like a football, and ran into the building. The second man (known to the investigation as § 87(2)(b)) remained calm and did not move from where he was standing. PO Maddaloni and PO Malka approached § 87(2)(b) and unholstered his firearm without pointing it. At this point, PO Maddaloni believed that § 87(2)(b) had shot

a gun, and that the object he took off of the car was a gun. PO Maddaloni told § 87(2)(b) to come to him. He did not see any bulges on § 87(2)(b)'s person but believed that it was possible that he had a weapon on his person due to his proximity to § 87(2)(b) and due to the report of shots fired. PO Maddaloni patted down § 87(2)(b)'s waist and front pockets. § 87(2)(b) exited the house as PO Maddaloni was patting § 87(2)(b) down. The officers told § 87(2)(b) to come to them, and he did. PO Maddaloni asked him why he ran inside twice, but § 87(2)(b) did not answer either time. He appeared nervous and flustered, with a tense body language and quick movements. PO Maddaloni did not observe any bulges on his person. PO Maddaloni believed that it was “highly probable” that § 87(2)(b) had a weapon on him because of how he reacted to officers’ arrival and because of the report of shots fired. PO Maddaloni patted down § 87(2)(b)'s waistline and front pockets.

PO Stalikas and Sgt. Ludington both stated that PO Maddaloni and PO Malka were already present when they arrived (**15, 16 Board Review**). PO Stalikas stated that PO Malka was in the midst of patting down § 87(2)(b) and § 87(2)(b). Sgt. Ludington did not state that he witnessed PO Maddaloni or PO Malka with their gun drawn or pointed. PO Stalikas did not see an officer with their gun drawn or pointed at either individual. Neither Sgt. Ludington nor PO Stalikas stated that they witnessed PO Maddaloni frisking anyone.

Radio communication associated with NYPD EVENT #D19060903617 generated for the incident shows that at 2:39 a.m., officers were informed of one shot fired at street level in front of § 87(2)(b) § 87(2)(b) (**17 Board Review**). According to the 47<sup>th</sup> Precinct EVENT summary, there were no 911 calls made regarding the report of shots fired (**46 Board Review**).

The BWC videos that the investigation obtained did not capture these allegations. Cell phone video recorded by § 87(2)(b) only captured events that occurred later in the incident and did not capture the allegations either.

Sgt. Ludington’s BWC footage in IA #149 shows that after Sgt. Ludington exited the building later in the incident, PO Malka told him that as she arrived, two men were standing near a car (**05 Board Review**). She says that one of the men ran inside as she arrived, and then came back out.

PO Malka retired from the NYPD on March 27, 2020, according to the NYPD Department Advocate’s Office (**18 Board Review**).

While PO Malka testified that PO Maddaloni pointed his gun and frisked one of the men during the incident, PO Maddaloni testified that he only unholstered his gun and frisked both men. § 87(2)(g)

“The decision to display or draw a firearm should be based on an articulable belief that the potential for serious injury is present.” NYPD Patrol Guide Procedure 221-01 (**19 Board Review**). An officer may stop an individual when they have a reasonable suspicion they have committed or is about to commit a crime and may frisk them when they have reason to believe that the individual is armed and dangerous. People v. DeBour, 40 N.Y.2d 210 (1976) (**20 Board Review**). Reasonable suspicion is “the quantum of knowledge to induce an ordinarily prudent and

cautious man under the circumstances to believe that criminal activity is at hand,” and “it may not rest on equivocal or ‘innocuous behavior’ that is susceptible of an innocent as well as culpable interpretation.” People v. Brannon, 16 N.Y.3d 596, 602 (2011), citing People v. Cantor, 36 N.Y.2d 106 and People v. Carrasquillo, 54 N.Y.2d 248 (21 Board Review).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (M) Abuse of Authority: Police Officer James Stalikas entered § 87(2)(b) § 87(2)(b) in the Bronx.**

**Allegation (N) Abuse of Authority: Sergeant Declan Ludington entered § 87(2)(b) § 87(2)(b) in the Bronx.**

**Allegation (O) Abuse of Authority: Police Officer James Stalikas searched § 87(2)(b) § 87(2)(b) in the Bronx.**

**Allegation (P) Abuse of Authority: Sergeant Declan Ludington searched § 87(2)(b) § 87(2)(b) in the Bronx.**

The following facts are undisputed: § 87(2)(b) § 87(2)(b) is a multi-family building. § 87(2)(b) owns the location. § 87(2)(b) and other tenants reside there. Sgt. Ludington and PO Stalikas entered the building into a hallway just beyond the front door. They entered a laundry room that is adjacent to this hallway. The hallway and laundry room are common areas for the shared use of all tenants of the building.

In unsworn statements, § 87(2)(b) § 87(2)(b) stated that she owns § 87(2)(b) § 87(2)(b) (24, 25 Board Review). It is a three-family house with only one entrance at the front of the building. Inside of the front door is a hallway that is used by all tenants to access their apartments. A laundry room is attached to the hallway. The laundry room is kept unlocked and is for the shared use of all of the building’s tenants.

In a sworn statement, § 87(2)(b) confirmed that § 87(2)(b) § is a multi-family dwelling **(10 Board Review)**. He stated that he was at home inside of the location, when he walked downstairs from his residence to the main entrance to place keys in a mailbox for § 87(2)(b) § 87(2)(b) saw that the door to the laundry room was open. After he pushed it closed, someone pushed it back at him from the inside. § 87(2)(b) looked inside of the laundry room and observed PO Stalikas “dig” through clothing and move articles around. § 87(2)(b) went back upstairs, called § 87(2)(b) and looked down at the street. He saw § 87(2)(b) and § 87(2)(b) standing in handcuffs in the driveway.

In an unsworn statement, § 87(2)(b) stated that while he was stopped in the driveway, he saw PO Stalikas and Sgt. Ludington walk toward the building but did not see them enter **(11 Board Review)**. In an unsworn statement, § 87(2)(b) stated that he saw PO Stalikas and one or two other officers enter from where he sat in the rear seat of a police car **(12 Board Review)**.

PO Maddaloni, PO Malka, PO Stalikas, and Sgt. Ludington were consistent in their statements that when Sgt. Ludington and PO Stalikas arrived at § 87(2)(b) § , PO Maddaloni and PO Malka were already present with § 87(2)(b) and § 87(2)(b) **(13-16 Board Review)**. All except PO Malka stated that PO Maddaloni told Sgt. Ludington and PO Stalikas that he had seen § 87(2)(b) take an unknown object off of the hood of the vehicle in the driveway, run into the house, and run “right back out” without the object. In addition, PO Maddaloni stated that he told the other officers that § 87(2)(b) exited within 10-15 seconds, and that he thought § 87(2)(b) “stashed a gun in the house.” Finally, PO Stalikas stated that PO Maddaloni also told him that the object § 87(2)(b) carried was “small.”

Sgt. Ludington and PO Stalikas both stated that they entered the building through the open front door. Both stated that he entered because they thought there may have been somebody injured inside. In addition, PO Stalikas stated that he entered because he wanted to see why § 87(2)(b) § 87(2)(b) had run inside. Sgt. Ludington described the area that he entered as a hallway with an open area on the left containing a washing machine and hanging clothes. There was nothing separating the laundry area from the hallway. PO Stalikas described the area that he entered as a hallway or lobby with a staircase at the end. There was a small room containing only a dryer and washing machine attached to the lobby. PO Stalikas did not remember whether there was a door separating the laundry room from the hallway. Sgt. Ludington and PO Stalikas both characterized the hallway as a common area. Sgt. Ludington and PO Stalikas both stated that they saw a white bag with a visible outline of a firearm in the open washing machine. Sgt. Ludington stated that there was nothing else inside of the washing machine. Sgt. Ludington and PO Stalikas ordered officers to arrest § 87(2)(b) and § 87(2)(b) after finding the gun.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)



§ 87(2)(g)

A photograph of § 87(2)(b) § 87(2)(b) is available in **50 Board Review**. The building is three stories tall with two mailboxes near the front door.

BWC video does not capture PO Stalikas or Sgt. Ludington entering § 87(2)(b) § 87(2)(b). Sgt. Ludington's BWC footage in IA #149 begins as he searches inside of the laundry machine, removes a white bag with something visibly heavy inside of it, speaks to § 87(2)(b) briefly, and exits the building (**05 Board Review**).

A police officer who receives a report of an observation from a fellow officer has that knowledge imputed to them and is entitled to act as though they made the observation themselves. People v. Crespo, 207 A.D.2d 668 (1994) (**27 Board Review**). Areas such as lobbies, hallways, laundry rooms, etc. will be considered common areas when they are not under the exclusive control of a single tenant and are used for everyday purposes by all tenants (such as ingress and egress from the property), even when they are not readily accessible to members of the general public. An individual tenant does not have a reasonable expectation of privacy in such common areas as they would in their dwelling. United States v. Bartee, 2013 U.S. Dist. LEXIS 166366 (S.D.N.Y. Nov. 12, 2013) (**28 Board Review**); United States v. Shaw, 269 F. Supp. 2d 90 (E.D.N.Y. 2003) (**29 Board Review**).

§ 87(2)(g)

**Allegation (Q) Abuse of Authority: Police Officer James Stalikas spoke discourteously to**

§ 87(2)(b)

It is undisputed that PO Stalikas used profanity when speaking to § 87(2)(b)

In a sworn statement, § 87(2)(b) stated that after § 87(2)(b) and § 87(2)(b) were taken from the scene, he came downstairs from his apartment inside of § 87(2)(b) § 87(2)(b) and started to record the officers on video in front of the location (**10 Board Review**). § 87(2)(b) told PO Stalikas that § 87(2)(b) was well-known in the 47<sup>th</sup> Precinct and that she could have officers disciplined for their actions that night. PO Stalikas said, "I don't give a fuck, I don't give a shit."

§ 87(2)(b) stated that she saw a video recorded by § 87(2)(b) in which he told § 87(2)(b) to, “Get the fuck back” (24 Board Review). However, § 87(2)(b)'s video footage does not capture PO Stalikas saying this (01-03 Board Review).

PO Stalikas stated that after § 87(2)(b) spoke to the officers from inside of the building, he came to the front door (15 Board Review). At that time, the officers were looking for shell casings and other evidence. Initially, PO Stalikas did not remember telling § 87(2)(b) that he did “not give a shit” or “not give a fuck” about the fact that § 87(2)(b) was recording him with his cell phone.

§ 87(2)(b)'s cell phone footage in IA #14 captures this allegation (03 Board Review). The video is recorded from § 87(2)(b)'s perspective and shows him walking in front of § 87(2)(b). He demands an explanation of the officers' actions, tells them that their actions were “bullshit” and says, “fuck out of here.” Meanwhile, the officers are shining their flashlights on the ground in search of shell casings. § 87(2)(b) asks to move a car from the driveway. PO Stalikas approaches § 87(2)(b) and tells him that he should not be in the area because it is a crime scene, and that being inside of the crime scene is a crime itself. From 1:35 to 1:52 in the recording, he can be heard saying, “You can record all you want, I don’t give a shit.” When shown this footage, PO Stalikas recognized his own voice and stated that he said this because he did not care that § 87(2)(b) was recording.

PO Stalikas' BWC footage in IA #150 also captures this allegation (06 Board Review). At 3:14, § 87(2)(b) speaks to the officers and asks for an explanation for their actions. § 87(2)(b) tells the officers that he is going to wait on the front step of the building. From 3:45 to 3:55 in the recording, PO Stalikas can be heard saying, “You can wait wherever you want, dude, I don’t give a shit.” When shown this footage, PO Stalikas recognized his own voice and stated that he said this because he had “a lot going on at the time,” and did not put much thought into the statement.

Officers are to treat members of the public courteously and respectfully. NYPD Patrol Guide Procedure 203-09 (30 Board Review). However, “language which would ordinarily be inappropriate ... may be excused in the course of a violent confrontation,” “during stressful situations [and] while an officer is trying to get a chaotic situation under control.” NYPD Disciplinary Case no. 2017-17276 (51 Board Review), Disciplinary Case no. 2017-17005 (52 Board Review).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation (R) Abuse of Authority: Detective Walter Szachacz refused to provide his name to § 87(2)(b)**

**Allegation (S) Abuse of Authority: Detective Walter Szachacz refused to provide his name to § 87(2)(b)**

**Allegation (T) Abuse of Authority: Detective Walter Szachacz refused to provide his shield number to § 87(2)(b)**

**Allegation (U) Abuse of Authority: Detective Walter Szachacz refused to provide his shield number to § 87(2)(b)**

In his sworn statement, § 87(2)(b) stated that an Emergency Services Unit truck arrived in front of the location (**10 Board Review**). One officer exited the vehicle and began to walk around with a flashlight looking for shell casings on the ground. § 87(2)(b) and § 87(2)(b) requested his name and shield number, but he did not respond to their requests. § 87(2)(b) did not make this allegation when she gave an unsworn statement (**23 Board Review**).

§ 87(2)(b) identified the subject of these allegations as the officer who is captured in his cell phone video recordings (**01 Board Review**). Det. Szachacz is captured in § 87(2)(b)'s video in IA #12 at 0:00 and 0:11 in the recording. The video shows Det. Szachacz searching for evidence on the ground near the location. The video does not show anyone requesting Det. Szachacz's name or shield number. Det. Szachacz was identified as the subject via the ESU report he created regarding his search for evidence (**53 Board Review**).

In his CCRB interview, Det. Szachacz testified that his unit performs many evidence searches and that he did not remember this incident (**32 Board Review**). Det. Szachacz recognized himself in § 87(2)(b)'s cell phone video footage, but it did not aid in his recollection of the incident. He denied that anybody asked him for his name or shield number during the incident.

PO Maddaloni did not remember whether any ESU officers searched the area in front of the location (**13 Board Review**). PO Malka did not remember whether any additional uniformed officers arrived (**14 Board Review**). Neither PO Stalikas nor Sgt. Ludington witnessed § 87(2)(b) or § 87(2)(b) request Det. Szachacz's name or shield number (**15, 16 Board Review**).

According to the Emergency Service Unit Integrity Control Officer, Det. Szachacz retired on May 31, 2020 (**33 Board Review**).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been parties (**36-39 Board Review**).
- PO Malka's appointment date is not visible in CTS. This was the only complaint she was subject to during her tenure.
- PO Maddaloni has been a member of service for nine years and has been a subject to one other complaint and one other allegation, which was not substantiated. § 87(2)(g)
- PO Stalikas has been a member of service for five years and has been a subject to six other complaints and 20 other allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Ludington has been a member of service for eight years and has been a subject in seven other complaints and 21 other allegations, one of which was substantiated.
  - 201310095 contains a substantiated allegation of offensive language related to race. The Board recommended instructions and the NYPD imposed instructions.
- Det. Szachacz's appointment date is not visible in CTS. During his tenure, he was subject to three other complaints and four other allegations, none of which were substantiated.

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) and § 87(2)(b) filed separate Notices of Claim with the City of New York on § 87(2)(b) claiming loss of freedom, severe mental anguish and emotional trauma, humiliation, embarrassment, harm to reputation, pain and suffering, and financial expense and seeking an unspecified amount as redress (**41-41 Board Review**). A 50-h hearing for § 87(2)(b) was held on § 87(2)(b), and for § 87(2)(b) on § 87(2)(b). The investigation was not able to obtain the transcripts of these hearings.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 3

Investigator: Zev Carter      Investigator Zev Carter      11/23/20  
Signature      Print Title & Name      Date

Squad Leader: \_\_\_\_Olga Golub\_\_\_\_      \_\_\_\_ \_SL Olga Golub \_\_\_\_      \_\_\_\_11/24/2020\_\_\_\_  
Signature      Print Title & Name      Date

Reviewer:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Signature      Print Title & Name      Date